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10/800,153	03/12/2004	Hisayuki Watanabe	9333/370	6782

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EXAMINER	
TAKELE, MESEKER	
ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/800,153	WATANABE, HISAYUKI	
	Examiner	Art Unit	
	MESEKER TAKELE	2175	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 October 2008*.

2a)☒ This action is FINAL. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to the Amendment filed 10/09/2008.

2. Claims 1-20 are pending in this application. Claims 1, 7 and 18 are independent claims. In the instant Amendment, claims 1, 7, 8, 13, 18, and 19.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 101

4. Per Applicant argument claims 1-17, rejections 35 USC § 101are withdrawn.

Claim Rejections - 35 USC § 103

5. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kortum (US Pub No.: 2003/0079028) in view of Kamada (US Patent No.: 6,381,637) and in further in view of Ramaswamy (US Patent No.: 6,423,892).

As to claim 1, Kortum discloses a menu screen obtaining unit configured to obtain a menu screen including pieces of link information for potential display on the menu screen (Figure 4 and Figure 9 and paragraph [0046] and Figure 1),).

However Kortum does not explicitly discloses:

(a) wherein each of the pieces of link information specifies a different linked server and wherein a first subset of the pieces of link information is displayed on the menu screen depending upon a connection status between each piece of link information of the first subset of the pieces of link information and a corresponding linked server;

(b) a menu screen display processing unit configured to remove a second subset of the pieces of link information associated with inaccessible linked servers from the menu screen and display only the first subset of the pieces of link information that are respectively associated with accessible linked servers based upon such that the menu screen does not display the second subset of the pieces of link information obtained by the menu screen obtaining unit.

Kamada from similar field of endeavor discloses:

(a) wherein each of the pieces of link information specifies a different linked server and wherein a first subset of the pieces of link information is displayed on the menu screen depending upon a connection status between each piece of link information of the first subset of the pieces of link information and a corresponding linked server (Figure 1, 5, 12, 13-15 and 17 (a &b)).

(b)a menu screen display processing unit configured to remove a second subset of the pieces of link information associated with inaccessible linked servers from the menu screen and display only the first subset of the pieces of link information that are respectively associated with accessible linked servers based upon such that the menu screen does not display the second subset of the pieces of link information obtained by the menu screen obtaining unit (Col., 15, lines, 59-67 and Figure 16 (element 165).

It would have been obvious to one of ordinary skilled in the art to have modified Kortum's teaching at the time of the invention was made with the teaching of Kamada.

The motivation to combine to provide an information apparatus with an Internet automatic Web browsing function which allows the user to receive information passively,

as with a television, while keeping the operation required when browsing Internet Webs to a minimum.

Further the Kortum does not explicitly discloses a connection status checking unit configured to check the connection status of each linked server respectively specified by the pieces of link information included within the menu screen, the connection status indicating whether an individual linked server is wirelessly accessible or not from a present location of the terminal.

Ramaswamy from the similar field of endeavor disclose, a connection status checking unit configured to check the connection status of each linked server respectively specified by the pieces of link information included within the menu screen, the connection status indicating whether an individual linked server is wirelessly accessible or not from a present location of the terminal (abstract and Figure 1 element 14)).

It would have been obvious to one of ordinary skilled in the art to have modified Kortum's teaching at the time of the invention was made with the teaching of Ramaswamy.

The motivation to combine to provide a wireless application protocol network in data communication with the Internet a wireless MP3 player having circuitry for establishing data communications with the wireless application protocol network and a display for displaying information generated by the music server.

As to claim 2, Kortum discloses wherein a process of checking the connection status by the connection status-checking unit is performed in parallel with a display process by the menu screen display-processing unit (Figure 1).

As to claim 3, Ramaswamy discloses wherein a discrimination mark differs depending upon a level of the connection status and is associated with the corresponding piece of link information, the level of the connection status represented by the discrimination mark_indicating the strength of radio waves received by the terminal associated with the linked server, the radio waves carrying image data displayable on a network browser or audio data (such as, When each MP3 file is completely loaded, the wireless MP3 player marks each MP3 file with indicia indicating that the particular MP3 has been completely loaded is ready to be played (col.,1 lines, 62-65).

As to claim 4, Kortum disclose, wherein a color according to a level of the connection status is applied to the corresponding piece of link information or a portion related thereto (paragraph [0068]).

As to claim 5, Kortum disclose, wherein the menu screen display-processing unit displaying a piece of link information corresponding to an accessible linked server (Figure 9).

Ramaswamy discloses that music data originating from the accessible linked server is currently wirelessly downloadable to the terminal (such as, and downloading the uploaded MP3 file to the wireless MP3 player, abstract).

6. Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kortum (US Pub No.: 2003/0079028) in view of Kamada (US Patent No.: 6,381,637) and

Ramaswamy (US Patent No.: 6,423,892) and in further in view of Hashimoto et al. ("Hashimoto" US Patent No.: 6,999,754).

As to claim 6, Kortum discloses connection status checking unit (see paragraph [0045] and Figure 1). However Kortum does not disclose wherein the terminal is mounted upon a vehicle and the connection status checking unit checks the connection status of the linked server while the vehicle is stopped.

Hashimoto from the same field of endeavor disclose terminal is mounted upon a vehicle (such as, car mounted information device, see abstract) and the connection status checking unit checks the connection status of the linked server while the vehicle is stopped (example, such as present positions see Figure 2).

It would have been obvious to one of ordinary skilled in the art to have modified the modified Kortum's connection status indicator at the time of the invention was made with a car-mounted information device as presented by Hashimoto.

The motivation to combine provide a car-mounted information device which makes it possible to obtain information of the transmitting source and of the receiving end (present positions, destinations, etc.) among vehicles easily and at a low cost, and to realize smooth and comfortable traveling by vehicles.

Claim 7 is similar in scope to claim 1 respectively, and is therefore rejected under similar rationale.

However Kortum does not disclose wherein the terminal is mounted upon a vehicle. Hashimoto from the same field of endeavor disclose terminal is mounted upon a vehicle (such as, car mounted information device, see abstract).

It would have been obvious to one of ordinary skilled in the art to have modified the modified Kortum's connection status indicator at the time of the invention was made with a car-mounted information device as presented by Hashimoto.

The motivation to combine provide a car-mounted information device which makes it possible to obtain information of the transmitting source and of the receiving end (present positions, destinations, etc.) among vehicles easily and at a low cost, and to realize smooth and comfortable traveling by vehicles.

As to claim 8, Kortum does not disclose wherein the connection server predetermined condition associated with the running state and/or current location of the vehicle is determined to be satisfied when the speed of the vehicle detected by a vehicle-speed determining unit of the vehicle changes and crosses a predetermined value.

Hashimoto from the similar field of endeavor disclose wherein the connection status of the linked server changes when the speed of the vehicle changes and crosses a predetermined value (such as speed data, Figure 15).

It would have been obvious to one of ordinary skilled in the art to modify Kortum's connection status indicator with speed data as presented by Hashimoto.

The motivations to combine provide involve getting various information on a real time basis from movable or fixed type terminals.

As to claim 9, Ramaswamy discloses a communication processing unit for receiving image and/or audio information transmitted from the at least one linked server through radio waves, wherein the predetermined condition associated with the running state and/or current location of the vehicle is satisfied when the electric field strength of the radio waves carrying the image and/or audio information received by the communication processing unit is determined to have changed and crossed a predetermined reference value by an electric-field strength determining unit of the vehicle mounted terminal (abstract).

As to claim 10, Ramaswamy further comprising a communication medium determining unit for determining a change of (1) a communication medium or (2) a communications mode, the change of communication medium comprising a change between a wireless Local Area Network (LAN) and a mobile telephone by which data is wirelessly received by the vehicle mounted terminal, and a change of communications mode comprising a change of communication bands by which data is wirelessly received by the vehicle mounted terminal, wherein the predetermined condition associated with the running state and/or current location of the vehicle is satisfied when the communication medium determining unit determines that the communication medium or communications mode of wireless communications of the vehicle mounted terminal has changed (abstract and Figure 1).

As to claim 11, Hashimoto discloses further comprising a geographic condition determining unit for determining geographic conditions of a driving location of a vehicle

upon which the vehicle mounted terminal is mounted, the geographic conditions of the driving location determinable by the geographic condition determining unit include identified high-rise areas, low-rise residential areas, or mountainous areas, wherein the predetermined condition associated with the running state and/or current location of the vehicle is satisfied when the geographic conditions determined by the geographic condition determining unit change (such as, predetermined geographical conditions, the present position of the transmitting source and the present position of the receiving end may be limited , see claim 11 and col., 7 lines, 39-41).

7. Claim 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kortum (US Pub No.: 2003/0079028) in view of Kamada (US Patent No.: 6,381,637), Ramaswamy (US Patent No.: 6,423,892) and Hashimoto et al. ("Hashimoto" US Patent No.: 6,999,754) and in further in view of Nakano et al. ("Nakano" US Pub No.: 2002/0128768).

As to claim 12, Kortum does not disclose vehicle mounted terminal according to Claim 7, further comprising a road determining unit for determining the type of road on which a vehicle, on which the vehicle mounted terminal is mounted, is running, types of road determinable by the road determining unit including expressways, highways, or other types of road, wherein the predetermined condition associated with the running state and/or current location of the vehicle is satisfied when the type of road determined by the road determining unit changes.

Nakano from the same field of endeavor disclose a road determining unit for determining the type of road on which a vehicle, on which the vehicle mounted terminal is mounted, is running, types of road determinable by the road determining unit including expressways, highways, or other types of road, wherein the connection status of the at least one linked server is determined to have changed when the type of road determined by the road determining unit changes (example, road type such as, the name of the road is changed are set as guide points, detailed information about road shapes, road network data including not only the recommended road but also the other roads, etc, see abstract).

It would have been obvious to one of ordinary skill in the art to have modified Kortum's teaching with the teaching of Nakano.

The motivation to combine to provide a route guide information-distributing system enabling an information center to sufficiently collect information about a path traveled.

As to claim 13, Kortum further comprising a communication status determining unit for determining communication status, the communication status indicating a level of signal reception for an accessible linked server (paragraph 0047).

However Kortum does not explicitly disclose a communication status history storing unit for storing the history of the determined communication status, wherein the condition associated with the running state and/or current location of the vehicle is satisfied when the past communication status corresponding to the driving location of a vehicle is determined to be unfavorable based upon the communication status history stored within the communication status history storing unit.

Nakano from the same field of endeavor disclose a communication status history storing unit for storing the history of the determined communication status, wherein the condition associated with the running state and/or current location of the vehicle is satisfied when the past communication status corresponding to the driving location of a vehicle is determined to be unfavorable based upon the communication status history stored within the communication status history storing unit (data stored, paragraph [0004] and [0005]).

It would have been obvious to one of ordinary skill in the art to modify the modified Kortum's teaching with the teaching of Nakano.

The motivation to combine to provide reading cartographic files from an internal storage device in which the cartographic files are stored as digital data generated about individual units defined by dividing a map into a plurality of regions.

As to claim 14, Kortum disclose wherein the menu screen has displayable area larger than a display, and the connection status checking unit checks the connection status of each piece of link information included within the entire menu screen which can be selectively displayed in the display by scrolling or page change (such as, 208(scroll bar), Figure 8).

As to claim 15, Kortum discloses further comprising a function of a computer, which can be connected to the Internet, wherein the menu screen obtaining unit receives the menu screen through the Internet (such as, internet connection, page 2, paragraph [0032] line, 5).

As to claim 16, Kortum disclose wherein information transmitted from the linked server includes music data (such as, music, abstract and Figure 8).

As to claim 17, Kortum does not disclose a function of a receiver for receiving information distributed from a broadcast station, wherein the menu screen-obtaining unit retrieves the menu screen stored within a storage device incorporated in the receiver, the receiver being located on a vehicle.

Nakano from the similar field of endeavor disclose, a function of a receiver for receiving information distributed from a broadcast station, wherein the menu screen obtaining unit retrieves the menu screen stored within a storage device incorporated in the receiver, the receiver being located on a vehicle (example, communications unit for transmitting and receiving data from and to the terminal, paragraph [0011] and [0023]).

It would have been obvious to one of ordinary skill in the art to have modified Kortum's teaching with the teaching of Nakano.

The motivation to combine involves getting various information on a real time basis from movable or fixed type terminals.

Claim 18 is similar in scope to claim 1 respectively, and is therefore rejected under similar rationale. Hashimoto further disclose terminal is mounted upon a vehicle (such as car mounted information device, see abstract).

As to claim 19, Kortum disclose wherein the predetermined condition is determined to be satisfied by the terminal when a connection status of any linked server changes (paragraph [0056] and Figure 3).

As to claim 20, Kortum disclose wherein information transmitted from an accessible linked server includes music data and the predetermined condition is determined to be repeatedly satisfied by the terminal whenever another timing interval has elapsed (paragraph [0050], [0047], [0057] and Figure 2).

Response to Arguments

8. Applicant's arguments with respect to the amended claims 1, 7 and 18 have been fully considered but they are not persuasive.

Applicant argues that: Kortum teaches away from" remov[ing] a second subset of the pieces of link information associated with inaccessible linked servers from the menu screen and display only the first subset of the pieces of link information that are respectively associated with accessible linked servers,"

Kamada neither teaches nor even contemplates" remov[ing] a second subset of the pieces of link information associated with inaccessible linked servers from the menu screen and display only the first subset of the pieces of link information that are respectively associated with accessible linked servers"

Ramaswamy is completely silent with regards to providing a terminal that includes "a menu screen display processing unit configured to remove a second subset of the pieces of link information associated with inaccessible linked servers from the menu

screen and display only the first subset of the pieces of link information that are respectively associated with accessible linked servers such that the menu screen does not display the second subset of the pieces of link information obtained by the menu screen obtaining unit."

The Examiner disagrees for the following reasons.

Kortum in view of Kamada teaches remov[ing] a second subset of the pieces of link information associated with inaccessible linked servers from the menu screen and display only the first subset of the pieces of link information that are respectively associated with accessible linked servers (Figure 1, 5, 12, 13-15 and 17 (a &b)).

Conclusion

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquires

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MESEKER TAKELE whose telephone number is (571)270-1653. The examiner can normally be reached on Monday - Friday 7:30AM-5:00PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. T./

Examiner, Art Unit 2175

/William L. Bashore/
Supervisory Patent Examiner, Art Unit 2175